

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

	)	
<i>In re:</i>	)	<b>Chapter 11</b>
	)	
SUNPOWER CORPORATION, <i>et al.</i> <sup>1</sup>	)	<b>Case No. 24-11649 (CTG)</b>
	)	<b>(Jointly Administered)</b>
	)	
Debtors.	)	
	)	<b>Hearing Date: October 18, 2024 at 2:30 p.m.</b>
	)	<b>Obj. Deadline: October 16, 2024 at 4:00 p.m.</b>
		<b>(extended for the SEC by consent of the Debtors)</b>

**RESERVATION OF RIGHTS OF THE U.S. SECURITIES  
AND EXCHANGE COMMISSION TO CONFIRMATION  
OF THE DEBTORS' AMENDED JOINT CHAPTER 11 PLAN**

The U.S. Securities and Exchange Commission (“**SEC**”) files this reservation of rights to confirmation of the Debtors’ Amended Joint Chapter 11 Plan [Docket No. 784, as amended].

## INTRODUCTION

The SEC is the federal agency responsible for regulating the U.S. securities markets, protecting investors, and enforcing the federal securities laws. In that capacity, the SEC is formally investigating whether SunPower Corporation (“**SunPower**”), its Debtor Affiliates (collectively, the “**Debtors**”) or others may have violated the anti-fraud and other provisions of the federal securities laws.

## RESERVATION OF RIGHTS

The SEC has requested that the Debtors include the following retention of books and records provision:

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: SunPower Corporation (8969); SunPower Corporation, Systems (8962); SunPower Capital, LLC (8450); SunPower Capital Services, LLC (9910); SunPower HoldCo, LLC (0454); SunPower North America, LLC (0194); Blue Raven Solar, LLC (3692); Blue Raven Solar Holdings, LLC (4577); BRS Field Ops, LLC (2370); and Falcon Acquisition HoldCo, Inc. (3335). The location of the Debtors' service address for purposes of these chapter 11 cases is: 880 Harbour Way South, Suite 600, Richmond, CA 94804.

The Debtors and the Wind Down Debtors shall not destroy or otherwise abandon any documents or records without providing advance notice to the SEC (c/o William M. Uptegrove, U.S. Securities and Exchange Commission, 950 East Paces Ferry Rd., N.E., Suite 900, Atlanta, GA 30326, [uptegrovew@SEC.GOV](mailto:uptegrovew@SEC.GOV)) and seeking further authorization from this Court. Nothing in the Plan or the Plan Confirmation Order shall affect the obligations of the pre-Effective Date Debtors, the post-Effective Date Debtors, the Wind Down Debtors, and/or any transferee or custodian to maintain all books and records that are subject to any governmental subpoena, document preservation letter, or other investigative request from a governmental agency.

Discussions between the SEC and the Debtors about this provision remain ongoing. The SEC reserves the right to object at the confirmation hearing to the extent the above language, or similar language acceptable to the SEC, is not included in the plan and confirmation order.

Dated: October 16, 2024  
Atlanta, Georgia

Respectfully submitted,

U.S. SECURITIES AND EXCHANGE  
COMMISSION

By: /s/ William M. Uptegrove  
William M. Uptegrove  
Senior Trial Counsel  
NY Bar No. 4846622; NJ Bar No. 031602003  
950 East Paces Ferry Rd., N.E., Suite 900  
Atlanta, GA 30326  
Email: [uptegrovew@sec.gov](mailto:uptegrovew@sec.gov)  
Tel.: (404) 842-5765

**CERTIFICATE OF SERVICE**

I certify that I caused a copy of the foregoing Reservation of Rights to be served upon counsel or parties of record by the Court's CM/ECF system on October 16, 2024.

By: /s/ William M. Uptegrove  
William M. Uptegrove